

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

SUPERIOR COURT
DOCKET NO. 1572CR00128

Superior Court
Barnstable, ss

Filed MAY 07 2019

Scott W. Hildes
Clerk

COMMONWEALTH

v.

KEVEN SEME
Defendant

**MOTION IN LIMINE FOR VOIR DIRE OF WITNESS LUTHERSON BONHEUR
PRIOR TO TESTIMONY REGARDING HEARSAY AND RELATED
OBJECTIONS**

The defendant moves this Honorable Court order a voir dire of the testimony of Lutherson Bonheur prior to testifying before a jury. As grounds, the transcript of Mr. Bonheur's statements to police of June 19, 2015, & November 30, 2017, are replete with hearsay, unsupported conclusions and statements attributable to the CoDefendant Walker and others. Excerpts as examples from the November 30, 2017, transcript are attached.

THE DEFENDANT
By His/Her Attorney

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CERTIFICATE OF SERVICE: I, Edward Fogarty, certify I have caused a copy of the above to be served upon the Barnstable County District Attorney Office, attn. Sharon Thibeault. /s/ Edward Fogarty

1 TROOPER DONOVAN: So I, I think you know he's
2 somebody that you can trust. He's not -- and I'm -- we're
3 just looking for some information related to the death of
4 David Colon.

5 But, going back to that summer, you know, what is it
6 that you remember of, of that? I mean, we're talking almost
7 three years ago.

8 MR. BONHEUR: Well, that -- if you want me to
9 start, to begin that night?

10 TROOPER DONOVAN: It's a vague question, but either
11 that night, or just the --

12 MR. BONHEUR: Well, I was staying at a hotel called
13 -- well, we call it the Cuddles and Bubbles. But it's the
14 International Inn or something like that.

15 TROOPER DONOVAN: Um-hmm.

16 MR. BONHEUR: But, I got a phone call somewhere
17 between -- I know it was after-hours, between 12:30 a.m. and
18 maybe 3:00 a.m. Can't really remember the time, exactly, of
19 the call.

20 But, Kyle Walker had called me. And he seemed --
21 the way he sounded on the phone was as if he had got kicked
22 out of wherever he was staying at, or something like that.

23 But, he told me that wherever I'm at, he needs to
24 come to. So I told him where -- the hotel that I was
25 staying at. And maybe a half-hour, a hour later, I suppose,

1 he showed up.

2 He, he knocked on the door. And I looked out the
3 peephole. And it was Kyle Walker and Keven Seme. And I
4 opened the door.

5 As soon as they opened the door and came in -- I was
6 in the room with Meagan Perkins at the time. So, as soon as
7 Kyle Walker and Keven Seme came in, ~~he -- off the tip, he~~
8 ~~started bragging about how he killed David Colon -- how~~
9 ~~they, how they killed David Colon.~~

10 He said, ~~We just smacked Smooth. We just smacked~~
11 ~~Smooth, which is simply, simply a~~ ~~a expression for saying~~
12 ~~that we just killed Smooth.~~

13 ~~We just killed somebody. We just killed Smooth.~~
14 And Smooth is David Colon's nickname. So I've met Smooth
15 one time before that.

16 I've heard about him. But -- so, when -- while
17 they're telling me this, I don't know if Meagan Perkins had
18 overheard them saying that.

19 But she was in the bed. And so, they was, they was
20 explaining to me what happened. And ~~Kyle began by telling~~
21 ~~me that -- oh, he's laughing about it. And he's saying~~
22 ~~that, you should have seen his head.~~

23 You should have seen his head shaking after, after
24 ~~he'd gotten shot.~~ And he had a bag of weed. He showed me a
25 bag of weed.

1 ~~He was like, yeah, and we got some weed out, out of~~
2 ~~it.~~ So, I, I asked him. I pull -- I pulled him to the
3 side. And I asked him.

4 I said, who, who -- who's the one who shot him? And
5 ~~he said, it was Keven that shot him.~~ Because I, I wanted --
6 I, I just asked to -- you know, I just -- I wanted to know.

7 So, I believed it because Keven would -- started
8 asking Kyle to call AV, ~~because Kyle told him that they~~
9 ~~would get paid \$5,000 from Anthony Russell~~ [phonetic] for
10 doing it -- for killing David Colon. And Keven was so
11 adamant about Kyle calling him.

12 Like, call, call him. Call him. Tell -- yo, I, I,
13 I want to get that. I want to get, I want to get the money.
14 Does he have the money? ~~And Kyle kept telling him, I got~~
15 ~~you, bro.~~

16 ~~He got us.~~ He, ~~he got the money.~~ Don't worry, he
17 ~~got it.~~ And so, Kyle was like congratulating him in some
18 way, like, yeah, yo,, I didn't think you was going to do it.
19 And Keven was bragging saying that, yeah, I -- I'm about
20 that.

21 I'm about that. And so, it ~~pretty confirmed to me~~
22 ~~that Keven was the one who actually shot him.~~ And ~~it was~~
23 ~~planned amongst the both of them.~~

24 Keven, prior to that, didn't know who David Colon
25 was. And it's obvious that Kyle was the one who put it into

1 his head, like told him, like we -- that we can get paid for
2 killing David Colon.

3 So, when they told me this, they had -- they asked
4 me if they wanted to smoke -- if they could smoke in the
5 hotel. And I said, no, you know, you all can't smoke in
6 here. And so, I was like, what are you all going to do?

7 And he said, yeah, we got to get off Cape

8 And so, he asked me for the hotel keys, because he
9 wanted to go outside and smoke, and he told me that he
10 needed to take a shower, too. So he asked me for the, the,
11 the room key, the card. And him and Keven left the hotel
12 room.

13 I went to sleep. And when I got up in the morning,
14 which might have been 9:00 a.m. or 10:00 a.m., somewhere
15 around there, could have been earlier, but I seen some of
16 Kyle's clothes on the, on the shower floor.

17 So I knew he took a shower. He was laying on the
18 floor, sleeping. Keven was on the couch. And Keven --
19 Kyle's phone was going off.

20 So I took a look at his phone. And I seen that he
21 was getting texts. He was getting calls from AV, who is
22 Anthony Russell.

23 He was getting calls from it -- the name, the name
24 that was in the phone, it was a woman's name. But, I, I, I
25 can pretty much say that it was his girl that was calling

1 him and sending -- I looked at one of the texts.

2 It said something like, baby, baby, like, what
3 happened? Like, they're, like, they're looking for you,
4 something like that.

5 So, when I saw Anthony Russell calling, I attempt --
6 I put the phone -- I was trying to wake up Kyle Walker. And
7 I put the phone in his ear. And I had left to go outside to
8 make a drug sale.

9 When I came back inside, he was still sleeping. So,
10 I don't know if he made it -- if he actually spoke to him.
11 But, he had got up. And he's on the phone.

12 I know he was speaking to his girl, because he was
13 in the bathroom. And he had the runs. He was using the
14 bathroom, and he's on the phone saying that, baby, I didn't
15 do anything.

16 Baby, I didn't do anything. What are you talking
17 about? So, he called -- I know he called Anthony. He spoke
18 to Anthony Russell after, because he told me that
19 Anthony Russell was going to send a ride for him for him
20 and Keven to leave Cape Cod.

21 So, he told me -- yeah, he told me that. And I
22 don't know how -- for sure how long it took. But, the --
23 their ride came. And I stood, looking out the window, while
24 Keven and Kyle left. And that's when I seen them, the
25 Police surrounding them.

1 TROOPER DONOVAN: Have you had any contact with
2 Kyle Walker since then?

3 MR. BONHEUR: I spoke to him on a jail call, when I
4 was out of jail. And he told me that people were saying
5 that I would -- that they seen me in court, and that, that
6 people were saying that I was cooperating against him. And
7 I told him, no, I wasn't.

8 TROOPER DONOVAN: What court was that at?

9 MR. BONHEUR: Barnstable Superior.

10 TROOPER DONOVAN: Barnstable Superior; when did
11 that phone call take place?

12 MR. BONHEUR: I don't know the exact date. But
13 the, the phone call was on his -- I was with his girl,
14 Tiara Jiga [phonetic].

15 TROOPER DONOVAN: Yeah.

16 MR. BONHEUR: And she acting like she was going to
17 call me on three-way. But I was with her. So, she gave me
18 the phone. I spoke to him on the phone.

19 TROOPER DONOVAN: So was that shortly after the
20 homicide, or is that a while later?

21 MR. BONHEUR: This -- November -- yeah, this was
22 November.

23 TROOPER DONOVAN: November?

24 MR. BONHEUR: Yeah.

25 TROOPER DONOVAN: Okay.

1 MR. BONHEUR: November of 2015.

2 TROOPER DONOVAN: Okay. Why would Kyle Walker call
3 you, after that event?

4 MR. BONHEUR: He wanted to make sure that -- oh,
5 oh, after -- right after he -- they killed David Colon?

6 TROOPER DONOVAN: Right, after David Colon's
7 killed, he calls you. Why does he call you?

8 MR. BONHEUR: Believe because he didn't have
9 nowhere to go; he didn't, he didn't know what to do after.
10 But, I, I was supplying, I was supplying him drugs so he
11 could sell.

12 So, I mean, that was our relationship, pretty much.
13 But, other than that, he called me because he just didn't
14 have anywhere to go.

15 TROOPER DONOVAN: So you gave him drugs to sell?

16 MR. BONHEUR: Yeah.

17 TROOPER DONOVAN: Did you ever give AV or
18 Anthony Russ drugs to sell?

19 MR. BONHEUR: No.

20 TROOPER DONOVAN: No? When you were looking at his
21 phone, how do you know it was Anthony Russ that was texting
22 him?

23 MR. BONHEUR: Because it said AV.

24 TROOPER DONOVAN: It said AV. That's how his name
25 was in the phone?

1 MR. BONHEUR: Yeah.

2 DETECTIVE SERGEANT BUTLER: Okay. And the call
3 comes and it's Kyle Walker calling you --

4 MR. BONHEUR: Yeah.

5 DETECTIVE SERGEANT BUTLER: -- on your cell phone?

6 MR. BONHEUR: Yeah.

7 DETECTIVE SERGEANT BUTLER: Okay. And Kyle -- does
8 Kyle talk about the shooting at the time? Or does he just
9 -- what does --

10 MR. BONHEUR: On --

11 DETECTIVE SERGEANT BUTLER: -- he say?

12 MR. BONHEUR: -- on the phone?

13 DETECTIVE SERGEANT BUTLER: Yes.

14 MR. BONHEUR: No. ~~He said, wherever you're at, I~~
15 ~~need to come to.~~

16 DETECTIVE SERGEANT BUTLER: Okay. And you said --
17 did you tell him he could come through?

18 MR. BONHEUR: Yeah.

19 DETECTIVE SERGEANT BUTLER: All right. And so,
20 shortly thereafter, he walks, he walks in or --

21 MR. BONHEUR: I don't, I don't know if -- oh, I
22 don't know if he walked to the hotel.

23 DETECTIVE SERGEANT BUTLER: Yeah, that's --

24 MR. BONHEUR: But --

25 DETECTIVE SERGEANT BUTLER: He walks into the hotel

1 and with a gun, and was asking for me and Bam, my, my
2 cousin, Witchell.

3 And he -- and they searched his room. He said he
4 let them search his room, because he knew we wasn't in
5 there. And he said, I just wanted to let you guys know just
6 to be careful.

7 So, after they left, I called Kyle. And I asked
8 him, is there any tensions between me and him, or me and any
9 of his people? ~~And he said that it's not me~~

10 ~~I don't have no problems with you. I just have~~
11 ~~problems with your cousin. But all my peoples are saying~~
12 ~~that, because you're his cousin that you would be -- that~~
13 ~~you're, you're, you're with him that you're siding with~~
14 ~~him.~~

15 So, they have problems with you. But between me and
16 you, there's no problems. And so, I asked him where he was
17 at, because I wanted to speak to him, because I didn't feel
18 safe. And I knew that, if I could speak to him one-on-one,
19 we can probably sort things out. So I took the taxi over to
20 Spring Street, where he was staying at.

21 DETECTIVE SERGEANT BUTLER: Well, let me cut you
22 off. Was it the Quality Inn you were -- that all this took
23 place at?

24 MR. BONHEUR: Yeah.

25 DETECTIVE SERGEANT BUTLER: The Quality?

want to go in the car with me.

He didn't want to go in the taxi with me. He didn't want to talk, because he was -- he thought that I was going to do something. And so, I, I told him.

I was like, Kyle, it's me. Like, are we going to talk or not? Like, and he said, no, I understand. No, I don't have no problems with you.

I wouldn't do -- I wouldn't try to set you up or nothing like that. And you know -- but anyway, I'm not trying to have my face out there, because his face was kind of bruised-up.

He was like, I'm not trying to have my face out there. So we will talk. We will talk later. So I left. And so, he called, he called Marvin Antoine. And told him the whole -- the situation, and he said that he felt like I was trying to set him up.

And so, he talked it out with Marvin -- Kyle talked it out with Marvin Antoine. And they smoothed out the, they smoothed out the situation.

I got a phone call from Marvin Antoine. And he told me that he talked to Kyle, and that everything's good. And I mean, obviously, I could, I could rely on Antoine's word, because I don't think anybody would try to do anything to Antoine, because people feared him.

So, that point on, that's when the situation

1 want to go in the car with me.

2 He didn't want to go in the taxi with me. He didn't
3 want to talk, because he was -- he thought that I was going
4 to do something. And so, I, I told him.

5 I was like, Kyle, it's me. Like, are we going to
6 talk or not? Like, and he said, no, I understand. No, I
7 don't have no problems with you.

8 I wouldn't do -- I wouldn't try to set you up or
9 nothing like that. And you know -- but anyway, I'm not
10 trying to have my face out there, because his face was kind
11 of bruised-up.

12 ~~He was like, I'm not trying to have my face out~~
13 ~~there. So we will talk. We will talk later.~~ So I left.
14 And so, he called, he called Marvin Antoine. And told him
15 the whole -- the situation, and he said that he felt like I
16 was trying to set him up.

17 ~~And so, he talked it out with Marvin -- Kyle talked~~
18 ~~it out with Marvin Antoine.~~ And they smoothed out the, they
19 smoothed out the situation.

20 I ~~got a phone call from Marvin Antoine. And he told~~
21 ~~me that he talked to Kyle, and that everything's good.~~ And
22 I mean, obviously, I could, I could rely on Antoine's word,
23 because I don't think anybody would try to do anything to
24 Antoine, because people feared him.

25 So, that point on, that's when the situation

1 lessened and I was back to talking with Kyle Walker, and --
2 but when that -- when this situation had -- well, was at its
3 peak, Antoine had sent -- had told me to bring -- Keven sent
4 me and a couple of, like, two or three other young, young
5 kids out to Cape Cod.

6 ~~And he wanted them to look for Kyle Walker and~~
7 ~~Anthony Russell. And so, they came out there. And people~~
8 ~~took notice of that.~~

9 The customers seen them out there. Sometimes they
10 would be just in the hotel, like, in the hallways. And
11 people would see them. And the message got to them -- got
12 to Kyle Walker that, that people were looking for them. And
13 so, that's pretty much why, why Kyle called Antoine.

14 And I guess he didn't want to go -- they -- he
15 didn't want to go back-and-forth, or toe-to-toe with, with
16 Antoine. So, he thought it'd be better off to just leave
17 the situation alone and just continue to just sell drugs.

18 TROOPER DONOVAN: How long was that, that period
19 from when Walker got beat up to when it was -- to when it
20 ended?

21 MR. BONHEUR: I would say two to three weeks.

22 TROOPER DONOVAN: Two to three weeks?

23 MR. BONHEUR: Yeah.

24 TROOPER DONOVAN: And what was it that -- so Walker
25 had direct access to Marvin?

MR. BONHEUR: Yeah.

DETECTIVE SERGEANT BUTLER: Take us through it again.

MR. BONHEUR: Kyle is the one who's the most -- he's the one that -- who's most amped. And he's bragging about what had happened.

He's saying, yeah, we just smacked Smooth. You should have seen his head. Yeah, we got some weed out. He's just, he's just bragging. And --

DETECTIVE SERGEANT BUTLER: Is Keven saying what -- is Keven saying anything?

MR. BONHEUR: Keven is at him. He's asking him about the money.

DETECTIVE SERGEANT BUTLER: Yeah. Take us through that again.

MR. BONHEUR: So, once again, I asked Kyle who actually shot David Colon. And he said, he said, yeah, it was Bro that -- it was -- it's -- it was [unclear] [unclear]

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32

1 MR. BONHEUR: Yeah.

2 DETECTIVE SERGEANT BUTLER: Take us through it
3 again.

4 MR. BONHEUR: Kyle is the one who's the most --
5 he's the one that -- who's most amped. And he's bragging
6 about what had happened.

7 He's saying, yeah, we just smacked Smooth. You
8 should have seen his head. Yeah, we got some weed out.
9 He's just, he's just bragging. And --

10 DETECTIVE SERGEANT BUTLER: Is Keven saying what --
11 is Keven saying anything?

12 MR. BONHEUR: Keven is at him. He's asking him
13 about the money.

14 DETECTIVE SERGEANT BUTLER: Yeah. Take us through
15 that again.

16 MR. BONHEUR: So, once again, I asked Kyle who
17 actually shot David Colon. And he said, he said, yeah, it
18 was Bro that -- it was -- it's -- it was Little Bro.

19 He was pointing to Key -- to Keven. And he said to
20 Keven, I didn't think he was going to do it. And he was --
21 and then Key's responded and said, yeah, yeah, I'm about
22 that.

23 I told you, like I don't play. Like I'm, I'm about
24 that. And then he's like, yo, call him. Like, does he got
25 that? Does he have the money? Does -- he was referring to

Anthony Russell. And -- yeah, that's -- I mean, I --

DETECTIVE SERGEANT BUTLER: And do you know why David Colon was the target?

MR. BONHEUR: Anthony Russell -- well, Anthony Russell had put a \$5,000 hit on him. And Kyle Walker told Keven that he had a little come-up for him. We can make \$5,000. And then -- and he took him that night to do it. I --

DETECTIVE SERGEANT BUTLER: All right. When did you learn about this hit?

MR. BONHEUR: I learned about the hit --

DETECTIVE SERGEANT BUTLER: Not a exact date, obviously, if you can't remember, but generally?

MR. BONHEUR: I heard about it that summer, actually. I didn't know how much truth there was to it. But, I mean, at -- when, when I seen Anthony Russell, the, the day I went to court, I seen him come in.

We kind of weren't, weren't getting -- we kind of --

...kind of tension be -- between me and him.

1 Anthony Russell. And -- yeah, that's -- I mean, I --

2 DETECTIVE SERGEANT BUTLER: And do you know why
3 David Colon was the target?

4 MR. BONHEUR: Anthony Russell -- well,
5 Anthony Russell had put a \$5,000 hit on him. And
6 Kyle Walker told Keven that he had a little come-up for him.
7 We can make \$5,000. And then -- and he took him that night
8 to do it. I --

9 DETECTIVE SERGEANT BUTLER: All right. When did
10 you learn about this hit?

11 MR. BONHEUR: I learned about the hit --

12 DETECTIVE SERGEANT BUTLER: Not a exact date,
13 obviously, if you can't remember, but generally?

14 MR. BONHEUR: I heard about it that summer,
15 actually. I didn't know how much truth there was to it.
16 But, I mean, at -- when, when I seen Anthony Russell, the,
17 the day I went to court, I seen him come in.

18 We kind of weren't, weren't getting -- we kind of --
19 there was still kind of tension be -- between me and him.
20 But, then, he, he started talking to me.

21 We started talking through -- we was on the same
22 van. But they had him on the other side. And he said,
23 yeah.

24 He said that shit with Kyle, with Kyle was stupid.
25 He said, I didn't even give him the green light on that. So

1 MR. BONHEUR: Yeah.

2 DETECTIVE SERGEANT BUTLER: So there was a
3 conversation between the four of you about what happened
4 again? Did this all get sort of --

5 MR. BONHEUR: No.

6 DETECTIVE SERGEANT BUTLER: Okay.

7 MR. BONHEUR: But, he wasn't there that long. From
8 it -- because they left, like, he might have been on -- in
9 the room for about 15 minutes. And then they, they left.

10 DETECTIVE SERGEANT BUTLER: At some point, were
11 Kyle and Kevan concerned that the Police were looking for
12 them?

13 MR. BONHEUR: Yeah.

14 DETECTIVE SERGEANT BUTLER: Was that in the
15 morning, when everybody was awake?

16 MR. BONHEUR: Yeah.

17 DETECTIVE SERGEANT BUTLER: What were they saying?
18 You remember?

19 MR. BONHEUR: [Kevan wasn't concerned, because he --
20 I mean, he's not familiar with Cape Cod. He's not familiar
21 with, like -- he just did something.

22 He, he was just being a follower, pretty much, that
23 day. He did what, he did what he did. He did what Kyle
24 told him to do. And he, he thought everything was just
25 going to be peaches and cream.

1 DETECTIVE SERGEANT BUTLER: Um-hmm.

2 MR. BONHEUR: So, he wasn't worried about it. [Kyle
3 was, though] [because he heard from his girl that Police was
4 looking] [He, he heard Police was looking for him]

5 TROOPER DONOVAN: Looking for who?

6 MR. BONHEUR: For Kyle.

7 TROOPER DONOVAN: Okay.

8 MR. BONHEUR: And looking for whoever killed
9 David Colon.

10 TROOPER DONOVAN: [But did he think that we were
11 specifically looking for him?]

12 MR. BONHEUR: [Yeah].

13 TROOPER DONOVAN: Okay.

14 MR. BONHEUR: [Kaven wasn't worried until the Police
15 Station. That's when he started, like, worrying, like he
16 realized that it -- this was a real situation where, you
17 know, he knew what he did. And he felt guilty about it].

18 DETECTIVE SERGEANT BUTLER: All right. And I'm not
19 saying this is what's going on. But then, somebody could
20 say -- in Kyle's position could say, I was -- just happened
21 to be there and all of a sudden this kid pulls out a gun and
22 shoots.

23 MR. BONHEUR: Um-hmm.

24 DETECTIVE SERGEANT BUTLER: And shoots Smooth in
25 the head.

1 DETECTIVE SERGEANT BUTLER: -- in the months prior.

2 MR. BONHEUR: Yeah.

3 DETECTIVE SERGEANT BUTLER: Having a beef; AV puts
4 out a hit. Kyle needs money. Keven Seme's a young kid from
5 Brockton. He's a follower. Is that kind of your
6 impression, generally?

7 MR. BONHEUR: Yeah.

8 DETECTIVE SERGEANT BUTLER: Okay.

9 TROOPER DUNN: How long was Keven on the Cape,
10 prior to the shooting?

11 MR. BONHEUR: Not too long; a week, maybe two.

12 TROOPER DUNN: So he wouldn't know Colon at all?

13 MR. BONHEUR: No.

14 DETECTIVE SERGEANT BUTLER: Do you know who the
15 driver of the car was when Colon was shot?

16 MR. BONHEUR: No.

17 DETECTIVE SERGEANT BUTLER: Do you know who was in
18 the car at all, who was --

19 MR. BONHEUR: No.

20 DETECTIVE SERGEANT BUTLER: You're going to get to
21 that, right?

22 TROOPER DONOVAN: Yeah.

23 DETECTIVE SERGEANT BUTLER: There's a kid named --
24 he also goes by -- you go -- you used to go by --

25 MR. BONHEUR: Yeah, yeah.

deal? Did you hear before or after?

MR. BONHEUR: When, when Kyle showed me the bag of weed and he said, we got, we got some weed out of it, like we told -- we, we acting like we was going to buy some weed. And he shot him. And they told me that the gun only had one bullet in it.

DETECTIVE SERGEANT BUTLER: Who said that to you?

MR. BONHEUR: Kyle, he -- because the gun was given to them by this kid from Mississippi, Superstar, the -- who goes by Superstar.

DETECTIVE SERGEANT BUTLER: Would you --

MR. BONHEUR: I don't know his real name.

DETECTIVE SERGEANT BUTLER: -- would you know his real name if I said it, or no?

MR. BONHEUR: Yeah.

ruvid gun
DETECTIVE SERGEANT BUTLER: If I showed you a picture, would you know?

MR. BONHEUR: Yeah.

DETECTIVE SERGEANT BUTLER: Curtis Collins?

MR. BONHEUR: Yeah.

DETECTIVE SERGEANT BUTLER: You sure about that?

1 deal? Did you hear before or after?

2 MR. BONHEUR: When, when Kyle showed me the bag of
3 weed and he said, we got, we got some weed out of it, like
4 we told -- we, we acting like we was going to buy some weed
5 And he shot him. And they told me that the gun only had one
6 bullet in it.

7 DETECTIVE SERGEANT BUTLER: Who said that to you?

8 MR. BONHEUR: Kyle, he -- because the gun was given
9 to them by this kid from Mississippi, Superstar, the -- who
10 goes by Superstar.

11 DETECTIVE SERGEANT BUTLER: Would you --

12 MR. BONHEUR: I don't know his real name.

13 DETECTIVE SERGEANT BUTLER: -- would you know his
14 real name if I said it, or no?

15 MR. BONHEUR: Yeah.

16 *Superstar provided gun* DETECTIVE SERGEANT BUTLER: If I showed you a
17 picture, would you know?

18 MR. BONHEUR: Yeah.

19 DETECTIVE SERGEANT BUTLER: Curtis Collins?

20 MR. BONHEUR: Yeah.

21 DETECTIVE SERGEANT BUTLER: You sure about that?

22 MR. BONHEUR: Um-hmm.

23 DETECTIVE SERGEANT BUTLER: Okay. How do you know
24 it's Curtis Collins, then?

25 MR. BONHEUR: Because I was locked up in Middleton

you would sometimes see drive around and --

MR. BONHEUR: Yeah.

DETECTIVE SERGEANT BUTLER: Okay. Did you know his brother, at all?

MR. BONHEUR: No.

DETECTIVE SERGEANT BUTLER: Anthony's brother?

MR. BONHEUR: No, I didn't know him.

DETECTIVE SERGEANT BUTLER: Think he might have been in jail, too, actually.

TROOPER DONOVAN: When did you know that they had a gun?

MR. BONHEUR: When Superstar had went down to Mississippi and he brought some guns -- a couple of guns back from Mississippi to sell. So he, he -- I don't know if he sold it to them, or if, if he just gave it to them. But, Kyle was telling me that that Superstar had gave him the gun

TROOPER DONOVAN: But when did he tell you that?

MR. BONHEUR: Couple days prior to that

TROOPER DONOVAN: Couple days prior to the homicide?

MR. BONHEUR: Yeah.

TROOPER DONOVAN: Okay. What was your relationship with Meagan Perkins?

MR. BONHEUR: I -- she was a customer before. In

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1 you would sometimes see drive around and --

2 MR. BONHEUR: Yeah.

3 DETECTIVE SERGEANT BUTLER: Okay. Did you know his
4 brother, at all?

5 MR. BONHEUR: No.

6 DETECTIVE SERGEANT BUTLER: Anthony's brother?

7 MR. BONHEUR: No, I didn't know him.

8 DETECTIVE SERGEANT BUTLER: Think he might have
9 been in jail, too, actually.

10 TROOPER DONOVAN: When did you know that they had a
11 gun?

12 MR. BONHEUR: When Superstar had went down to
13 Mississippi and he brought some guns -- a couple of guns
14 back from Mississippi to sell. So he, he -- I don't know if
15 he sold it to them, or if, if he just gave it to them. But,
16 Kyle was telling me that that Superstar had gave him the
17 gun

18 TROOPER DONOVAN: But when did he tell you that?

19 MR. BONHEUR: Couple days prior to that

20 TROOPER DONOVAN: Couple days prior to the
21 homicide?

22 MR. BONHEUR: Yeah.

23 TROOPER DONOVAN: Okay. What was your relationship
24 with Meagan Perkins?

25 MR. BONHEUR: I -- she was a customer before. In

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1 have done it, or --

2 MR. BONHEUR: No, they never, they never met.

3 DETECTIVE SERGEANT BUTLER: Did David Colon know
4 anybody? Or did David, David Colon and Marvin know each
5 other at all?

6 MR. BONHEUR: No.

7 DETECTIVE SERGEANT BUTLER: Not at all?

8 MR. BONHEUR: No.

9 DETECTIVE SERGEANT BUTLER: Okay.

10 TROOPER DUNN: But you had said that Seme went down
11 there just to sell drugs?

12 MR. BONHEUR: Yeah. But, initially, he went down
13 there to, to kill Kyle Walker and Anthony Russell. He was
14 sent down there by, by Antoine.

15 But, when they -- when Kyle and Antoine talked on
16 the phone and it got smoothen up -- they smoothened things
17 out, he told Kyle to take Keven under his wing and, you
18 know, have him as a runner.

19 TROOPER DONOVAN: When they -- he sent these people
20 down -- Keven and the two other kids -- did he give them
21 weapons or anything?

22 MR. BONHEUR: Yeah.

23 TROOPER DONOVAN: So initially, where, where --
24 where'd those guns go?

25 MR. BONHEUR: Back, because they was, they was

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1 MR. BONHEUR: Probably since Keven was from there,
2 wherever Keven was going to go, which probably would have
3 been --

4 DETECTIVE SERGEANT BUTLER: Do you remember? Did
5 Kyle talk to AV specifically and say, hey, we need a ride
6 out of here? Do you remember anything like that? Was it a
7 phone call? Was it text?

8 MR. BONHEUR: I don't know if it was a text. But,
9 I know that he spoke to him, because he told him that he
10 spoke to Anthony Russell and that Anthony Russell's is
11 sending him a ride to pick him up.

12 DETECTIVE SERGEANT BUTLER: Do you know who the
13 people that came were?

14 MR. BONHEUR: I didn't know them prior. I, I, I
15 learned who one of the females were. Girl named Taylor, but
16 that's about all that I know.

17 DETECTIVE SERGEANT BUTLER: And you learned about
18 that afterwards?

19 MR. BONHEUR: Yeah.

20 DETECTIVE SERGEANT BUTLER: Okay.

21 TROOPER DONOVAN: Did Marvin ask you who they
22 killed?

23 MR. BONHEUR: I mean, he knew. He didn't, he
24 didn't ask me. But he knew because, obviously, he probably
25 looked it up. He -- on Google, or something like that.

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1 owe me money, he didn't -- he did owe me money, though.

2 But I don't, I don't know if he had the money or
3 anything like that, because it happened. And then everybody
4 got arrested. So --

5 DETECTIVE SERGEANT BUTLER: Um-hmm.

6 MR. BONHEUR: But, I mean, when I got arrested, I
7 had a paper with who owed me money on, on a piece of paper.
8 So, Kyle, I think, owed me \$3,000 or something like that.

9 DETECTIVE SERGEANT BUTLER: The other thing is
10 there's, there's some evidence that the beef between AV and,
11 and Colon was squashed earlier in the night, maybe in a
12 parking lot in Hyannis.

13 MR. BONHEUR: It was, it was at -- it was supposed
14 to be.

15 DETECTIVE SERGEANT BUTLER: Can you tell us about
16 that, if you -- what you know about that?

17 MR. BONHEUR: Yeah.

18 DETECTIVE SERGEANT BUTLER: It's pretty --

19 MR. BONHEUR: They --

20 DETECTIVE SERGEANT BUTLER: -- important.

21 MR. BONHEUR: -- they -- I don't know if it was the
22 night before. I don't know the exact date. But, I [learned]
23 through David Colon's cousin -- [well] he says he's [his]
24 cousin -- [that] that [they had -- [that --

25 ATTORNEY MCNAMARA: You want --

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1 TROOPER DUNN: Somebody trying to clean the room.

2 TROOPER DONOVAN: Okay.

3 (Background noise)

4 TROOPER DONOVAN: All right.

5 MR. BONHEUR: I had [I had learned, through a guy
6 named Jimmy Anderson, who is David Colon's cousin. And he
7 said that he spoke to David Colon. And David Colon told him
8 that they -- that Anthony Russell had seen David Colon at
9 7-Eleven. And seen him, and David -- and made David Colon
10 pay him \$1500 for the damages on the [on the car].

11 DETECTIVE SERGEANT BUTLER: Um-hmm, okay.

12 MR. BONHEUR: And he told David Colon that we're
13 good, that everything is good. [I also learned, through
14 another person, Shaun Miller, that Shaun Miller was the one
15 who seen David Colon at 7-Eleven, and called
16 Anthony Russell. And Anthony Russell met David Colon over
17 at 7-Eleven. So, it pretty much --

18 DETECTIVE SERGEANT BUTLER: Did you learn that
19 before, or --

20 MR. BONHEUR: I learned it. I learned from the
21 kid, Shaun Miller, about him calling Anthony Russell. I
22 learned that after.

23 DETECTIVE SERGEANT BUTLER: Yeah.

24 MR. BONHEUR: This was while I was locked up.

25 DETECTIVE SERGEANT BUTLER: Okay.

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1 MR. BONHEUR: Before, I learned that through
2 Jimmy Anderson.

3 DETECTIVE SERGEANT BUTLER: There's two
4 Jimmy Andersons. There's a white Jimmy Anderson and a black
5 Jimmy Anderson.

6 MR. BONHEUR: Black Jimmy Anderson

7 DETECTIVE SERGEANT BUTLER: Okay.

8 MR. BONHEUR: Yeah, he told me that. This was
9 before, this was before he died. But he told me that they
10 had met.

11 That David Colon told him that Anthony Russell seen
12 David Colon at 7-Eleven, and he made him pay him \$1500 out
13 his pocket. And he said that they were good.

14 DETECTIVE SERGEANT BUTLER: Oh, I have this here.
15 I think that might have been my document. Is that, is that
16 you -- your writing?

17 MR. BONHEUR: Yeah.

18 DETECTIVE SERGEANT BUTLER: Okay.

19 MR. BONHEUR: Yeah.

20 DETECTIVE SERGEANT BUTLER: Is that --

21 MR. BONHEUR: Yeah.

22 DETECTIVE SERGEANT BUTLER: Just go through it with
23 what it, what it means to you.

24 MR. BONHEUR: So, I owed Antoine \$10,170. And this
25 -- the, the names are what people owe me.

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1 Keven.

2 DETECTIVE SERGEANT BUTLER: The day after -- or the
3 day or two after the murder --

4 MR. BONHEUR: Um-hmm.

5 DETECTIVE SERGEANT BUTLER: -- Titi [phonetic] --

6 MR. BONHEUR: Oh, that's one thing I forgot to
7 mention. They wanted -- he -- Kyle Walker told me that they
8 were going to try to get Titi to go and get the gun that
9 they had tossed. And I guess they never got it.

10 DETECTIVE SERGEANT BUTLER: Who told you that?

11 MR. BONHEUR: Kyle.

12 DETECTIVE SERGEANT BUTLER: And he told you that
13 that night, or --

14 MR. BONHEUR: Yeah.

15 DETECTIVE SERGEANT BUTLER: So the, the night he
16 comes into the room and --

17 MR. BONHEUR: Yeah.

18 DETECTIVE SERGEANT BUTLER: -- he tells you also
19 that he's going to get Titi to go find the gun?

20 MR. BONHEUR: Yeah.

21 TROOPER DONOVAN: Did you hear him talk to her
22 about the gun?

23 MR. BONHEUR: No.

24 DETECTIVE SERGEANT BUTLER: That was their plan,
25 though?

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1 TROOPER DONOVAN: And then Kyle Walker and
2 Kevan Same took it upon themselves to act on the hit?

3 MR. BONHEUR: Yeah.

4 TROOPER DONOVAN: Would they have talked about that
5 with anybody? Do you know? Like, I mean --

6 MR. BONHEUR: I, I, I --

7 TROOPER DONOVAN: -- that seems like --

8 MR. BONHEUR: -- would, I would assume that --

9 TROOPER DONOVAN: Like you said, you'd want to talk
10 to make sure it was still --

11 MR. BONHEUR: Yeah.

12 TROOPER DONOVAN: -- a go.

13 MR. BONHEUR: Yeah. I, I would assume. When it
14 happened, I assume that they spoke to Anthony Russell prior
15 -- right exactly before it happened. But, I don't know if
16 that was the case. But that's who I would think that they
17 would speak to.

18 TROOPER DONOVAN: And when -- at some point, you
19 were in the van with AV. And he said to you something along
20 the lines of, you know, that's messed up. I didn't even
21 give the green light.

22 MR. BONHEUR: Yeah.

23 TROOPER DONOVAN: And he said that in the transport
24 van from where-to-where?

25 MR. BONHEUR: From Barnstable District to -- back